IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3702 OF 2017
IN
FIRST APPEAL (ST) NO.13718 of 2017

Smt. Mrunal Makarand Patwardhan
& Ors. ..Applicants

In the matter between

The New India Assurance Co. Ltd. ..Appellants

v/s.

Mrunal Makarand Patwardhan & Ors. ..Respondents

Mr. Rohan Mahadik i/b. The Juris Partners Advocates for the Applicants in CAF and for the Respondent Nos.1 to 4 in FA(St). 13718/2017.
Ms. Pooja Yadav i/b. D.R.Mahadik for the Appellant in FA 1180 of 2017.
Mr. Veerdhaval kakade for the Respondent No.5.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14TH MARCH, 2018.

P.C.

1. By this application, the applicants have sought release of compensation deposited by the Appellant Insurance Company as per

the Award dated 7th December, 2016 in MCAP No.2571 of 2011.

2. The applicants were the claimants in MACP No.2571 of 2011. By judgment and award dated 7th December, 2016 the MACT has awarded compensation of Rs. 1,25,95,960/-.

3. The Insurance Company has challenged the said award. During pendency of the appeal, the Insurance company has deposited an amount of Rs.1,97,09,474/- which is inclusive of interest.

4. The applicant no.2 is a minor child. The Tribunal has determined her share as 30% of the total compensation and ordered the same to be invested in nationalized bank. The applicant no.2 being a minor, I am not inclined to release any amount awarded in favour of the Applicant no.2. Hence, 30% of the compensation along with interest accrued therein is ordered to be invested in her name in any nationalized bank until further orders.

5. So far as the applicant no.1 is concerned, she is the widow of the victim and the Tribunal has determined her share as 30% of the total compensation. Similarly the applicant nos.3 and 4 are the parents of the deceased and their share is determined as 15% and 25% respectively. An amount equivalent to 25% of their respective

shares along with proportionate interest thereon is ordered to be released in favour of the applicant nos.1, 3 and 4. The balance amount be invested in their individual names as per their respective shares, in any nationalized bank for a period of three years with liberty to withdraw interest thereon.

6. Suffice to say that the payment is subject to the final outcome of the appeal.

7. The respondent nos.1, 3 and 4 shall file an undertaking before the MACT, that they will abide by the final orders that may be made in this appeal.

8. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)